

COUNCIL MEETING

APRIL 12, 2017

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Ross Kagawa at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, April 12, 2017 at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock (*present at 8:57 a.m.*)
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura (*present at 8:35 a.m.*)
Honorable Ross Kagawa

Excused: Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Kaneshiro moved for approval of the agenda as circulated, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

MINUTES of the following meeting of the Council:

November 23, 2016 Council-Elect Meeting

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Next item, please.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Next item, items on the Consent Calendar for receipt.

CONSENT CALENDAR:

C 2017-82 Communication (02/27/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Linda Kaauwai-Iwamoto to the Fire Commission – Partial Term ending 12/31/2017.

C 2017-83 Communication (03/08/2017) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to various Boards and Commissions for the County of Kaua'i:

- a. Zoning Board of Appeals
 - Adam Asquith – Term ending 12/31/2019*
 - Allan H. Parachini – Term ending 12/31/2019*
- *(Pending Scheduling of Interviews and Briefing on the Zoning Board of Appeals by the Administration)*

b. Charter Review Commission

- Isaac K. Cockett – Term ending 12/31/2019

C 2017-84 Communication (03/13/2017) from the Director of Finance, transmitting for Council information, the Period 7 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2017, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2016-2017.

C 2017-85 Communication (03/17/2017) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2645, the Mayor's Proposed Operating Budget for Fiscal Year 2017-2018, specifically the Boys & Girls Club (Department of Parks & Recreation – Kaua'i War Memorial Convention Hall), as she is on the Kaua'i Advisory Board for the Boys & Girls Club of Hawai'i.

C 2017-86 Communication (03/21/2017) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2645, the Mayor's Proposed Operating Budget for Fiscal Year 2017-2018, specifically the Kaua'i Soil Conservation (Department of Public Works – Grant-In-Aid), as he is the Director for the East Kaua'i Soil & Water Conservation District.

C 2017-87 Communication (03/21/2017) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding Bill No. 2645, the Mayor's Proposed Operating Budget for Fiscal Year 2017-2018, specifically Grove Farm (Puhi Metals Recycling Liabilities in the Department of Finance – Emergency Management Agency), as he is a Project Manager employed by Grove Farm Company, Inc.

C 2017-88 Communication (03/22/2017) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, a Resolution Approving The Fiscal Year 2018 Proposed Operating Budget For The Hawai'i State Association Of Counties.

C 2017-89 Communication (03/23/2017) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 7, 2017.

Councilmember Kaneshiro moved to receive C 2017-82, C 2017-83, C 2017-84, C 2017-85, C 2017-86, C 2017-87, C 2017-88, C 2017-89, and C 2017-90 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Are there any discussion? Anyone from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

The motion to receive C 2017-82, C 2017-83, C 2017-84, C 2017-85, C 2017-86, C 2017-87, C 2017-88, C 2017-89, and C 2017-90 for the record was then put,

and carried by a vote of 4:0:3 (*Councilmember Chock, Councilmember Yukimura, and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

Ms. Fountain-Tanigawa: Vice Chair, there was a request to take out of order on page 5, Resolution No. 2017-24.

There being no objections, Resolution No. 2017-24 was taken out of order.

RESOLUTIONS:

Resolution No. 2017-24 – RESOLUTION SUPPORTING THE PRINCIPLES OF THE UNITED NATIONS' CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Ms. Fountain-Tanigawa: We have registered speakers.

Council Vice Chair Kagawa: Thank you.

Councilmember Kaneshiro moved for adoption of Resolution No. 2017-24, seconded by Councilmember Brun.

(*Councilmember Yukimura was noted as present.*)

Council Vice Chair Kagawa: Are there any discussion or questions?
Councilmember Kaneshiro.

Councilmember Kaneshiro: In the last meeting when we went over this there were some questions on certain parts of Exhibit "A." One of the questions was about County funding certain things such as prenatal care. We sent the question to the Office of the County Attorney and the Office of the County Attorney did some revisions and sent us an amendment, so I would like to amend the Resolution as circulated.

Councilmember Kaneshiro moved to Resolution No. 2017-24 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Would you like us to put it up on the overhead since we have a large following that is present?

Councilmember Kaneshiro: Sure. Again, the Office of the County Attorney was the one who made the changes.

Council Vice Chair Kagawa: We are going to put it up on the overhead. These came from our County Attorney Mauna Kea Trask who reviewed it and I believe there were some modifications that he had made especially regarding funding. Funding normally comes via ordinance and it does not come via resolution; therefore, it would be inappropriate for this Council to pass a funding mandate in a resolution. That was one of the key points that was taken out by our County Attorney. At a later point, should any funding be requested for some of these things that are in the previous resolution, we can put it in an ordinance that would implement those

changes. That would be the appropriate way of funding it, not by resolution. Councilmember Yukimura.

Councilmember Yukimura: Have the women who requested that this be on the agenda had a chance to look at these proposed amendments?

Council Vice Chair Kagawa: We just received the version back from the County Attorney yesterday, but we have it on the overhead right now so everybody can see it.

Councilmember Yukimura: Can we at least give them hardcopies and this is, I think, the women from the Committee on Women.

Council Vice Chair Kagawa: Yes.

Councilmember Yukimura: And have at least a ten-minute recess so people can review it.

Council Vice Chair Kagawa: Sure.

There being no objections, the meeting recessed at 8:38 a.m.

The meeting was called back to order at 8:48 a.m., and proceeded as follows:

Council Vice Chair Kagawa: I have heard that the proponents of the Resolution are not ready; they want to review it and work with Mauna Kea. We will move on to other business. Mauna Kea, you have been requested by Councilmember Yukimura to just give a brief synopsis of your amendments to the original resolution.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: Aloha, Honorable Chair and Honorable Members of the Council. For the record, Mauna Kea Trask, County Attorney. That is correct. The County Attorney has reviewed the draft Resolution and like was briefly stated on the record at our previous meeting on this item, there were some statements made to infer that the tenants of the first resolution, regarding discrimination against gender, sex, identity, et cetera, did not exist in the County Code and therefore this Resolution should acknowledge it at the County-level and that was somehow inappropriate. I sat on this stand and made it absolutely clear that pursuant to State and Federal law, it is illegal to do that. You cannot discriminate...I believe it is 378-2...against race, gender, sex, age, and other protected classes that are identified. Also, pursuant to Federal law and the United States Constitution as well as the Hawai'i State Constitution, it is illegal regardless if it is in the code or not, our own Kaua'i County Code, to discriminate as such. I wanted to make that clear because I did not want the statements on the floor to be interpreted so as to say that Kaua'i County allows it because it is not in our code. I wanted to straighten that out. When we looked at the Resolution and as you know a resolution is a policy statement, it has no binding legal effect. Therefore, it has to be crafted so as to be policy statements. They cannot make commitments whether administrative, financial, or otherwise because they are policy statements, as you all know. In looking at that, and some of the specific things without going in-depth with everything, I saw a breastfeeding provision and that also, too, is under Hawai'i State law, you have to provide equal time for a breastfeeding mother to engage in that activity both a space in the office and that opportunity to do that. These are all clear,

good covered issues and the amendment today is not intended to say "they are not" or that "the County does not support that." What this is, is a dry technical revision based upon the fact that it is a resolution under Article 4 of the Charter and so it has to reflect the non-legally binding policy statement and that is it, in effect. It is difficult for the Office of the County Attorney to sit here today and almost take what looks like a contrary stance to this because it is a very benevolent policy statement and we are not by proposing this amendment. We are just trying to make it a resolution, and that is it.

Councilmember Yukimura: Can we ask questions now?

Council Vice Chair Kagawa: I have a question, so if you would like to ask a question, go ahead.

Councilmember Yukimura: Just for everybody's edification, Mauna Kea. One of the things the amendment will do is to remove Exhibit "A?"

Mr. Trask: Correct. I believe that was the United Nations (UN) resolution or something like that.

Councilmember Yukimura: Right. Exhibit "A" contains some of those commitments that you say are either covered by law already or are not within the jurisdiction of the County?

Mr. Trask: Yes, in effect. The County needs to abide by those State and Federal laws. If you look at the Kaua'i County Code, that is expanding on the rights, duties, and obligations of the County under Chapter 46-1.5. I do not want to say that they are not our *kuleana*, because we do have to ensure that we do not discriminate, but the vehicle that was proposed to you as the Council was a resolution supporting those statements that were found in the International Proclamation; therefore, the Resolution should be a resolution.

Councilmember Yukimura: Okay. Although there are these laws against discrimination, is enforcement of the law not the issue and the County is supposed to be one of the entities that enforces the law, whether it is through police enforcement or through following equal employment opportunity laws. Is that not right?

Mr. Trask: And the County does. I want to make clear that the question almost would suppose that we do not and therefore we have to. From my standpoint and from the Office of the County Attorney's standpoint, working with Human Resources (HR), that happens to be headed by a woman, they are very good at addressing complaints. When complaints are filed, they are investigated and looked at, and they are taken seriously. Those issues come before you.

Councilmember Yukimura: The question is not to imply that the County is not doing anything, but you have to admit we have had some sexual harassment cases that have been very, very expensive. As if that were the main thing, because the main thing is that women have been subjected to sexual harassment in the County. So it is just about making clear that the County has a commitment to enforcement and maybe it can be addressed by a few words in the Resolution itself.

Mr. Trask: Yes, and we have our County policy against discrimination and harassment in the workplace or workplace violence policy and

that is the policy of the County. The County is diligent and needs to continue to be diligent to address those issues because they may and do happen and when that does happen, you have to take the appropriate steps. Therefore, you are right, it is going to become a very expensive liability. But above all, it is unjust and nobody should have to go to work, regardless of his or her sex, identity, gender, et cetera and have to deal with that. We are all here to work and you should be left alone and allowed to engage in your protected activities.

Councilmember Yukimura: Okay. Thank you.

Council Vice Chair Kagawa: Members, any further questions for the County Attorney?

Councilmember Kawakami: Yes.

Council Vice Chair Kagawa: Councilmember Kawakami.

(Councilmember Chock was noted as present.)

Councilmember Kawakami: In resolutions, we were trained to read all of the "Whereas," but the meat and the potatoes are in the "Be it resolved," and I noticed that one of the "Be it resolved," is bracketed so it is going to be removed. The part I am speaking of in particular is the joining of "the Cities for the Convention on the Elimination of All Forms of Discrimination Against Women," campaigning. I noticed in the "Whereas" above that, it already states that the State of Hawai'i, the City and County of Honolulu, and the County of Hawai'i have already joined this campaign and so it just leaves Maui and Kaua'i. Is there going to be an issue as far as how we move forward, I guess, uniformly as far as adopting these measures?

Mr. Trask: That was discussed and as you know the issue comes up many times and this body acts, "Well, Maui did this or Hawai'i island did that." The Counties have come down on different sides of many issues, very many times and if that issue goes to court, which this will not go, some are right and some are wrong. So the fact that one county does something does not mean we have to. After a long discussion, the Office of the County Attorney thought because this is a resolution and it is a policy statement, it is not appropriate to make commitments thereto. Now, that will not negate it and if you want to...it is this body's authority to do what it wants with this Resolution. We were just ask to look at it and this is what we found. Correct, it is a "dry commitment" issue.

Councilmember Kawakami: Okay. Thank you.

Council Vice Chair Kagawa: Are there any further questions?
Councilmember Yukimura.

Councilmember Yukimura: Mauna Kea, you said after a long discussion-- a long discussion with whom?

Mr. Trask: Within the office.

Councilmember Yukimura: So, not with those who have proposed it?

Mr. Trask: No, the issue did come up in the Status of Women, but it was passed to the Council, from my understanding prior to being

reviewed by the Office of the County Attorney. So I was not speaking out of turn when I was asked by the Chair at the last meeting of had I reviewed it, and I said no, because I had not read it.

Councilmember Yukimura: Yes, and Councilmembers often run it through the Office of the County Attorney, too, before we put it on.

Mr. Trask: Correct.

Councilmember Yukimura: I guess that did not happen. Okay, thank you.

Council Vice Chair Kagawa: Are there further questions? If not, Councilmember Kawakami asked the question I had. Thank you, Mauna Kea, for your work. I was the one who called you to make sure that you looked at it because I was concerned that this is not a typical resolution that comes through. It was unique and I wanted to make sure that you had checked and made sure that it was appropriate for this body. You did your best and tried to address some of the concerns I had regarding funding, so thank you.

Councilmember Yukimura: Chair, I have a procedural question.

Council Vice Chair Kagawa: Go ahead.

Councilmember Yukimura: I think some of the women would like to look at the proposed amendments and continue the discussion with Mauna Kea. I think Councilmember Kaneshiro suggested that we move this down the agenda and run our regular business while we give more time for the discussion to occur.

Council Vice Chair Kagawa: Yes, we will recess this item at this time and come back to it later.

Councilmember Yukimura: Basically, move it maybe for another half hour?

Council Vice Chair Kagawa: Whenever it comes up. I think we may get through this agenda in half an hour, I am hoping.

Councilmember Yukimura: I think this was requested to be up front so that people would not have to wait through the entire day or the entire agenda, so if we can have enough time to look at it, maybe half an hour.

Council Vice Chair Kagawa: Yes, when you are ready, just let me know and I will try to pull it up, but until then, I think we should try to take care of our business that on the plate and ready to go.

Councilmember Yukimura: Yes.

Council Vice Chair Kagawa: And take care of business that is ready to be done. Thank you.

Councilmember Yukimura: I think that is good. Thank you.

Council Vice Chair Kagawa: With that, we are back to the top of the agenda.

Ms. Fountain-Tanigawa: Vice Chair, we are on page 3, under Communications, C 2017-90. We received a memorandum dated April 7th from the County Housing Agency. They are requesting that the item be received for the record, as they will no longer be pursuing acquisition of the parcel.

(Councilmember Yukimura was noted as not present.)

COMMUNICATIONS:

C 2017-90 Communication (03/13/2017) from the Housing Director, requesting Council approval for the following:

- a. Acquisition under the County's Community Development Block Grant (CDBG) Program of a residential unit at 5440 Makaloa Street, Kapa'a, Kaua'i Hawai'i, 96746, Tax Map Key (TMK): (4) 4-6-013-111, for a purchase price of not more than \$510,000, based on the fee simple market appraisal, which will be obtained through this transaction;
- b. Resale of 5440 Makaloa Street, Kapa'a, Kaua'i, Hawai'i, 96746, by leasehold market appraisal, which will be obtained through this transaction; and
- c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

Councilmember moved to receive C 2017-90 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Are there any discussion? Anybody from the public wishing to speak on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

The motion to receive C 2017-90 for the record was then put, and carried by a vote of 6:0:1 (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Council Chair Rapozo was excused*).

Ms. Fountain-Tanigawa: Did you want to take the presentation for the Zoning Board of Appeals?

Council Vice Chair Kagawa: Yes.

C 2017-91 Communication (03/13/2017) from Councilmember Chock, requesting the presence of the Planning Director, to provide a comprehensive presentation on the duties and responsibilities of the Zoning Board of Appeals, and

other related matters: Councilmember Brun moved to receive C 2017-91 for the record, seconded by Councilmember Kaneshiro.

There being no objections, the rules were suspended.

(Councilmember Yukimura was noted as present.)

MICHAEL A. DAHILIG, Planning Director: Good morning Vice Chair, Councilmembers, Mike Dahilig, for the record. I am here this morning to present a synopsis on some of the strategy concerning implementing the recent charter amendment that was passed by the electorate during this past 2016 election, and that is concerning the Zoning Board of Appeals (ZBA). This was a charter amendment that we proposed to the Charter Commission back about a year and a half ago concerning the need for the Zoning Board of Appeals. As you know, our Department over the past few years has been tasked with increasing the amount of enforcement activities within our Department. What has happened as a cause-and-effect of creating more enforcement is those cease and desist orders or those fines are then creating more challenges from a due process standpoint. That has created a large amount of contested case workload for the Planning Commission and that is on top of their regular load of processing or high level permits that are passed through Chapter 8 or Chapter 9. Therefore, what the Zoning Board of Appeals was meant to do is to split the work between the permissive approvals, which the Planning Commission would still retain while the Zoning Board of Appeals handle having the enforcement and punitive evaluations. This is a structure that is similar to those models in Hawai'i County and Maui County and the Charter Amendment that we proposed to the Charter Commission at the time was premised on some of those models that our sister counties do work under. Let me just go over some of the text of the actual language. This is just some background and discussion.

The Zoning Board of Appeals is consisted of seven (7) people that are appointed by the mayor and are then approved by this council. There are three (3) areas that the Zoning Board of Appeals that needs to have at least one (1) member for and that includes environmental concerns, business concerns, and one (1) in labor. Therefore, it slightly mimics the composition that the current Planning Commission has with respect to its seat allocations. These are the duties and functions of the Zoning Board of Appeals and I have added some emphasis here because it will get into the discussion of what our strategy is and implementing the board that it is meant to conduct those hearings in accordance with Chapter 91 regarding zoning violations, under the Zoning Ordinance and the Subdivision Ordinance. Also, hear any appeals alleging error by the Planning Director and there are situations where they feel anything that I have been given discretion or law to make a decision on, has been done in a manner that is not correct, and also anything else that is a land use related appeal that this body chooses to send to that body to be heard versus the Planning Commission. They are authorized under the charter to adopt rules of procedure for the conduct of its board business. Under Section 14.03, this also was part of the Charter Amendment and this was under the Planning Commission section, so there is a number of subsections within the charter that set forth the duties of the overall Planning Department and Planning Commission. This was added as an additional option for the Planning Commission and that is to have the ability to refer hearings to the Zoning Board of Appeals. Once the referral goes over to the Zoning Board of Appeals, then the Zoning Board of Appeals will handle that matter and then dispose of it rather than it bouncing back to the Planning Commission. Again, these functions were drawn up in mind given the increasing cost of contested case hearings that our Department is facing, as well as the increasing load of due process cases that are

coming forth based of our enforcement actions. I used this phrase “divorce” and I do not mean to make light of it, but in effect what it is, is the Planning Commission needs to divorce elements of itself and give it over to the Zoning Board of Appeals. Over the past few months, our Department, as well as the Office of the County Attorney, has been reviewing Chapter 8, Chapter 9, the Charter, and our rules to take a look at how do you peel off some of these functions that are currently handled by the Planning Commission. It is clear that that separation is going to affect the rules, as well as certain functions, like for instance, how alleging error of the Planning Director is handled and how you handle the overlapping discretionary permit referrals under Section 14.03 of the Charter. The primary focus would be for us to begin crafting those rules of practice and procedure for the Zoning Board of Appeals and the Planning Commission. That is why I know it came as a bit of a surprise for the Councilmembers and this...and I guess this discussion probably should have happened in advance of those names coming before you, but in order to make administrative rules, we have to have a body to adopt those rules. That cannot be done by legislation. It has to be done through administrative rules pursuant to Chapter 91 of the Hawai'i Revised Statutes (HRS) and so we cannot also have the Planning Commission or the Planning Department do that role either, it has to be done specifically by that body. Why we want the body it is to help negotiate with the Planning Commission how to structure a symbiotic relationship down the line once these two bodies, which are interrelated, but separate from each other, are going to have to handle the contested-case workload.

Our anticipation is to work on the ZBA formation and to educate those members and wrap their capacity up to understand their charter charge and what the rules would look like. Once we have that body in place, the idea is to have that body in joint meetings with the Planning Commission, have that discussion concerning how to handle the referral procedures and stripping out some of the appealed items that are currently in the Planning Commission's current set of rules of practice. If we would need zoning changes based off of that separation, then that is when we would have to come before the Council and propose some type of omnibus package to the Council, outlining identified bodies that would have certain permits referred to it or certain actions referred to it because currently Chapter 8 and Chapter 9 state specifically the Planning Commission. Once all of those things are completed, then the Zoning Board of Appeals would be ready to intake the cases and handle the items on behalf of the County and that is pretty much it. I am available for any questions.

Council Vice Chair Kagawa: Thank you, Mike. Councilmember Chock.

Councilmember Chock: My understanding is that they will be taking on the appeals, but any zoning changes or specific issues would still be ran through the Planning Commission and then onto us?

Mr. Dahilig: Right.

Councilmember Chock: My concern is how do we ensure that interrelated function that is necessary for the Planning Commission to make sound decisions as well? How are they informed and vice versa because even though you are trying to separate them, they are still directly connected to function.

Mr. Dahilig: I think that concern is specifically why we want to have the joint dialogue between those members that will have to be

implementing the new world order on the Planning Commission side and that on the Zoning Board of Appeals side.

Councilmember Chock: Will the Planning Commission be involved in the formation of those roles as well, along with the ZBA?

Mr. Dahilig: They are going to have to be because in effect, some of these overlapping items are going to be codependent on both bodies working together to have that clear understanding. Drawing these things up without their input would not be advisable on our end, so it is important to have the body to be able to create that dialogue between who is receiving and who is giving, essentially.

Councilmember Chock: How much will this cost the County, ultimately?

Mr. Dahilig: In effect from an administrative support standpoint, we are already absorbing these costs because of our workload, so we have no choice when a zoning appeal comes before us that we have to backstop that. The idea is given the amount of commission support we are already providing in-house, we would not be asking for additional commission support. I cannot speak in terms of how this would affect the Office of the County Attorney in terms of the workload, they probably should speak on their end, but at least from a departmental standpoint, it would not require any additional resources.

Councilmember Chock: Thank you.

Council Vice Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: Just for clarification—currently, the Planning Commission is handling all of our contested-cases.

Mr. Dahilig: Yes.

Councilmember Kaneshiro: And they are feeling inundated with contested-case hearings and you want to have them be able to concentrate more on whatever they need to do and then just split out the contested-case, the time that they would be taking on contested-cases?

Mr. Dahilig: Right.

Councilmember Kaneshiro: Will this be televised just like the Planning Commission? Would everything be the same?

Mr. Dahilig: Technically, when you look at the Zoning Board of Appeals, it would operate under Chapter 91, and anytime there is a hearing under Chapter 91, it is not subject to Sunshine Law. Therefore, theoretically the way that things would operate, it would operate as if it was a courtroom. The short answer is probably not, but again those are discussion points that need to be flushed out.

Councilmember Kaneshiro: Because the current contested-cases are being televised in the Planning Commission meeting or no?

Mr. Dahilig: They are not.

Councilmember Kaneshiro: Okay.

Council Vice Chair Kagawa: Are there further questions? Councilmember Brun.

Councilmember Brun: The Zoning Board of Appeals is up to seven (7) people or is it set that it is going to be seven (7) people?

Mr. Dahilig: It is set at seven (7).

Councilmember Brun: Okay.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Just so that I understand, there are going to be seven (7) people and then a recorder or reporter that transcribes the entire proceedings.

Mr. Dahilig: Right.

Councilmember Yukimura: Are you going to be there? No? The Planning Department is going to be...will the Planning Commission be represented or the Planning Department?

Mr. Dahilig: The Planning Department is the party that is essentially the defendant in these situations. It is a unique function of the department that any time we end up with a contested-case hearing; I have to have a firewall with my staff. I end up with the County Attorney, the body; the Commission will end up with the County Attorney. We have a staff member who is assigned to the Planning Commission, a staff member that is assigned to the Planning Department. We do that as a normal course of business to ensure that there is no interference with the Commission's ability to impartially rule on a case that is before it. So, the same would be in this situation where you would have a firewall with attorneys, a firewall within my department in terms of who supports the commission or who support the Zoning Board of Appeals, who support the department. In effect, a lot of times I end up screening myself off and pushing this over to my Administrative Planning Chief who handles the logistics of the matters.

Councilmember Yukimura: So there are seven (7) members and you said they are supported by...they are not supported...there are seven (7) members and three (3) parties.

Mr. Dahilig: Two (2) parties technically, because it would be the party that feels that they were adversely affected by the decision of mine, either by...

Councilmember Yukimura: The appellant.

Mr. Dahilig: Yes.

Councilmember Yukimura: Which would be a private party?

Mr. Dahilig: A landowner.

Councilmember Yukimura: Is there ever a chance that the Planning Department would appeal?

Mr. Dahilig: Where we would appeal the decision of the Planning Commission?

Councilmember Yukimura: Yes.

Mr. Dahilig: It is possible. It has never happened under my tenure, but it would work the same in reverse.

Councilmember Yukimura: But the Planning Commission's decision is the one that is being appealed?

Mr. Dahilig: No.

Councilmember Yukimura: Sometimes it is yours?

Mr. Dahilig: It is always my decision.

Councilmember Yukimura: It is always your decision?

Mr. Dahilig: Yes.

Councilmember Yukimura: It is never a Planning Commission's decision?

Mr. Dahilig: No, because when the Planning Commission makes a decision, it is considered "ripe" and the administrative remedies at the...I guess, the code-level has been exhausted and therefore it is appealable directly to the circuit court of that juncture.

Councilmember Yukimura: Okay, so the appellant is appealing a decision of the Planning Director.

Mr. Dahilig: Yes.

Councilmember Yukimura: And that is the only kind that it will be appealed?

Mr. Dahilig: The only exception, I would say, Councilmember, is that when you look at Section "C" of Section 14.13, if the Council, by ordinance would choose to have other related land use related types of appeals be sent over to the Zoning Board of Appeals and it is based off of a final decision from the Planning Commission, that is a potential, but it would have to be prescribed by ordinance. At this juncture, given the way the current Comprehensive Zoning Ordinance (CZO) is laid out and the current Subdivision Code is laid out, a situation like you are characterizing would not happen.

Councilmember Yukimura: Could you give us a list of all of the decisions that the Planning Director makes which are not Planning Commission decisions and therefore would be appealable?

Mr. Dahilig: I can recount some of them for you now, but if you want more exhaustive list, I can provide them for you in writing.

Councilmember Yukimura: Yes, maybe you can give a few to give us a sense of what those decisions are.

Mr. Dahilig: For instance, cease-and-desist orders, fines, zoning compliance notices, shoreline setback determinations, other determinations, Class I Zoning Permits, and Class II Zoning Permits—things that are within my discretion.

Councilmember Yukimura: Okay, that is helpful. So yes, could you provide us a list?

Mr. Dahilig: We can certainly do that.

Councilmember Yukimura: So the potential party appealing the decision of the Planning Director could be a citizen group if they have been given the right to intervene.

Mr. Dahilig: That is a discussion that is more right for how the rules of practice and procedure are laid out for both bodies. Currently, under the current set of rules for the Planning Commission, permissive permits are intervenable, but in situations where somebody has been adversely affected, intervention is not available. That is the way that our structure currently is. Now, whether it shifts as a consequence of this new body, I do not know, but that is a valid point for discussion in the future.

Councilmember Yukimura: But in most cases, it will be the applicant for permit that has been denied of permit or zoning something.

Mr. Dahilig: That is correct.

Councilmember Yukimura: And therefore is challenging that decision.

Mr. Dahilig: That is correct.

Councilmember Yukimura: There will be the appellant and his attorney and then there will be the someone representing the Planning Department, which includes the Planning Commission, will be yourself or a representative of yourself?

Mr. Dahilig: Well currently because under the rules of the Planning Commission, I serve as the Clerk of the Commission, so I am responsible for the logistics.

Councilmember Yukimura: You serve as what?

Mr. Dahilig: The Clerk of the Commission. That is my commission designation. The difficulty is because if I am making a recommendation to the Planning Commission currently and it is appealed, I have to essentially screen myself off of any further logistical work from the Planning Commission because it is my adverse decision that is being questioned. So to make sure that there is a sense of impartiality in how the Commission operates, that is where my administrative regulatory chief, who is Myles Hironaka, will take over the functions afterwards.

Councilmember Yukimura: The functions of the Planning Commission.

Mr. Dahilig: The functions of the Planning Commission. So, what would be similar is in this situation before the Zoning Board of Appeals that although it is under my umbrella, we would theoretically have a screened-off person within our department that would handle the logistics for the Zoning Board of Appeals.

Councilmember Yukimura: So that person would be at the proceedings?

Mr. Dahilig: Would support the Commission at the proceedings, but in terms of...I would have someone representing myself because I am the defendant in those proceedings.

Councilmember Yukimura: Right, okay. So you are going to have the Zoning Board of Appeals, you are going to have an administrative person supporting the Zoning Board of Appeals?

Mr. Dahilig: Yes.

Councilmember Yukimura: And then yourself, as Planning Director, as a party, and then you would have an attorney representing you.

Mr. Dahilig: Yes.

Councilmember Yukimura: And that will come from the Office of the County Attorney?

Mr. Dahilig: Yes, which is what currently happens already.

Council Vice Chair Kagawa: Councilmember Yukimura, I was just wondering if you have a lot more questions because I was sort of leaning towards moving this to the Planning Committee if we had a lot of questions and answers, and the Council Chair is not here as well. I think this is an important issue that if you have a lot more questions, I would prefer that Planning Committee Chair Chock handle his item in Committee.

Councilmember Yukimura: That is fine with me. I do have questions because I am just trying to get a clear picture of how it is going to operate and therefore, what the costs are going to be, even if it is internal costs.

Council Vice Chair Kagawa: If it is okay with you that we move it to Committee, that would be my recommendation.

Councilmember Yukimura: Okay.

Council Vice Chair Kagawa: I have some questions as well, but I will hold-off.

Councilmember Yukimura: That is fine.

Council Vice Chair Kagawa: Mr. Dahilig, if you could have that list or summary or what have you of the cases. I had just one (1) brief question that I wanted

to get out today that if you do not mind Councilmember Yukimura, I would like to ask this now.

Councilmember Yukimura: Please, go ahead.

Council Vice Chair Kagawa: Mr. Dahilig, what is going to be the main benefit of having this Zoning Board of Appeals? Is it going to allow your Planning Commissioners to focus more on issues that you think are more important for them that they are perhaps spending too much time on these appeals and other business? Like you said, Maui and Hawai'i island have created this Zoning Board of Appeals to perhaps make their decisions more efficient. Is that the reason why we need this Zoning Board of Appeals?

Mr. Dahilig: It is definitely a benefit that you are characterizing, Council Vice Chair. The current caseload on top of the permit load and the zoning amendment load that the current Planning Commission handles is becoming very taxing for the volunteered commissioners. Generally, the Planning Commission is meant to be a body that supports the forward-looking vision of the County and tries to weigh those decisions by either approving permits or approving zoning changes. But when they fall into a quasi-judicial role, we feel that this function is now taking more and more of their time to be able to focus on those things that really affect the County in forward-looking. We feel that the separation in focuses would help provide a better result on both ends.

Council Vice Chair Kagawa: But at the outset, would it not be more taxing on your staff because you would have to train an additional seven (7) members on all of the nuances of zoning, planning-type issues, besides the ones that you already trained, the sitting commissioners. They know what the laws are or they are familiar with it, and you would have to train a new body. When we have seven (7) Planning Commissioners, some could say it is politically generated and you will have more politics involved because you have another seven (7) people that may think differently from the original seven (7). Are we guaranteed that this is the right way to go? Kaua'i has half the population of Maui and Hawai'i island.

Mr. Dahilig: That is a good point that you bring up, Council Vice Chair, that are we in effect creating more work where no additional work should be invested in? I will say that the function of actually processing a permit or processing a zoning amendment is a very different skillset than sitting as a judge. The Commissioners, we are having to train anyway in two (2) different skillsets of work. How to operate as somebody who understands Chapter 8 and the Code versus a group of people that focuses on motions, briefs, contested-case scheduling, evidentiary rules, and these types of things. We are having to bring the Commission up to speed on those rules of evidence and those types of things anyway, so that work for our Department is not going to be multiplied as a consequence of having seven (7) additional people, because we are having to go through that teaching set anyway. That is why in effect, at least from a departmental standpoint, I am not as concerned about the resources internally. But again, with one (1) caveat that I cannot speak for the Office of the County Attorney on this.

Council Vice Chair Kagawa: That is an excellent response.
Councilmember Chock.

Councilmember Chock: I have a process question. I know we already received some requests to fill the vacancies of the seven (7) membership. Moving this

to Committee, I was just wanted to ensure your schedule for getting the ZBA formed is not hindered, that is one. I do have some other questions and I will not go into detail now, but I at least want to state them. I am wondering about the criteria for these members that you are selecting, if you have all seven (7), and are planning on presenting all seven (7) to us moving forward.

Mr. Dahilig: Just to answer the question, Councilmember Chock-based on what our Department would like to do, I will put it this way, our Department's intention is to be in discussion with the Council, and say that our preference is to move forward with trying to create a body so we can have rules on the table first. The concern about having an ordinance lead is that the ordinance would be kicked back to the Planning Commission anyway and so by having the dialogue already start with the Planning Commission and this new Zoning Board of Appeals, it actually shortens the work timeline versus trying to lead with an ordinance because under the Charter, any changes to Chapter 8 or Chapter 9 have to come through the Planning Commission anyway. That would be our preference as to get the work done first with the rules. Reasonable minds can disagree and I think the dialogue is helpful in Committee on whether or not that is in the best interests for everybody. Just to be clear in response to the question, that would be our preference, to move forward with the rulemaking and we would need the body to create the rulemaking first. With respect to the constitution of the Board in terms of who and what constitutes the qualifications for each of these individuals, I think that is still something that we are relying on past practice with how the Planning Commission and how those people are designated with qualifications. The addition of this particular language came from Commissioner Ed Justice during the Charter Commission's dialogue on this and he wanted to have this language mimic the language in the Code that talks about a distributed membership with the Planning Commission. It is not meant to reinvent the wheel and so the practice of having these individuals be from certain sectors should not stray much from what has been the practice of this Council to verify whether they meet that criteria. Again, the language here could be interrupted differently and we could definitely have that discussion.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: What additional language are you referring to?

Mr. Dahilig: When you look at Section 14.12, slide 3 on page 2...

Councilmember Yukimura: Yes.

Mr. Dahilig: Where it says, "at least one (1) member should have knowledge and awareness of environmental concerns...at least one (1) member should have knowledge and awareness of business concerns...and at least one (1) member of labor," again, that language was not in the initial proposal that our Department brought to the Charter Commission. It was something that the Commissioners felt was important to have as a diverse set of views on the Zoning Board of Appeals and lifted the language from the Code that distributes the membership of the Planning Commission currently to put into the Charter Amendment.

Councilmember Yukimura: That is in the Charter right now...

Mr. Dahilig: This is in the Charter right now.

Councilmember Yukimura: In the amendment that passed?

Mr. Dahilig: This is in the amendment that passed.

Councilmember Yukimura: I appreciate Councilmember Chock's question about the qualifications or what type of people you are going to look for, for this Zoning Board of Appeals and it is also follow-up to Council Vice Chair's question about how this board is constituted. As you point out, the function of the Zoning Board of Appeals is different from the permitting function of the Planning Commission, which is more a community-based decision that balances values and proposals in terms of whether it fits with the community. The Zoning Board of Appeals will determine whether the law was followed, right? It is going to be the application of law to facts.

Mr. Dahilig: Right.

Councilmember Yukimura: And that really is an attorney's function or at least attorneys supposedly have training in that area and laypeople do not. I do not think you just pull people off the street to do that work if you want it done well. That is where an ordinance could further describe what kind of person, I mean within the confines of this new language, which I think was not well thought out because it is actually limiting diversity rather than increasing it. I think there is just a lot to discuss and I just wanted to make sure that I was assessing things correctly when I said, "the function of the Zoning Board of Appeals is really to judge the application of the law to the facts." Therefore, they have to know what the law is and how you apply law to facts.

Mr. Dahilig: It is a function, because of discretionary permitting, we already have to educate our Planning Commissioners on, unfortunately. That is why by having this broad skillset that we are requiring of the Planning Commission, we are starting to notice that there is that pressure on them by having to understand exactly what you are talking about, along with the balancing role that they play and the permissive permitting duties that they have under the law. We are trying to, in effect, re-specialize community members to focus on one (1) set of procedures and practice and rules rather than having the Planning Commission take care of both.

Councilmember Yukimura: But you could also require that members of the Board have some background in law.

Mr. Dahilig: It is a possibility. I think we are still trying to sort out what meets the litmus test for this body, as the Charter Amendment clearly states that the consent comes from hereafter appointments. The Council has a stake in this and we are ready to listen.

Councilmember Yukimura: Thank you.

The meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Thank you. Mr. Dahilig, I think you know where the questions are headed and we will be better prepared next week having responses that perhaps can target some of the questions that you heard today.

Council Chair Rapozo will be back. He is lobbying at the Legislature today for our County for more Transient Accommodations Tax (TAT) and for tort liability and I want him to be present for this. I think he should be. Can we have a motion?

Councilmember Kaneshiro moved to refer C 2017-91 to the April 19, 2017 Planning Committee Meeting, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any further discussion? Anybody from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

The motion to refer C 2017-91 to the April 19, 2017 Planning Committee Meeting was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: With that, can we move to Proposed Draft Bill (No. 2647), please?

There being no objections, Proposed Draft Bill (No. 2647) was taken out of order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2647) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING MAP ZM-PO 300 (*CIRI Land Development Company, Applicant*) (ZA-2017-2): Councilmember Chock moved for passage of Proposed Draft Bill (No. 2647) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 17, 2017, and referred to the Planning Committee, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: It has come to my attention that the subdivision that was done on this property was possibly illegal. I have sent a question to the Planning Director and to the Housing Director and I do not think we should...I think we need to find out or get the answer to that question before we move on this bill.

Council Vice Chair Kagawa: Do you want your question in writing?

Councilmember Yukimura: Pardon me?

Council Vice Chair Kagawa: You will have your question in writing, so we can have it ready for the Committee Meeting.

Ms. Fountain-Tanigawa: Vice Chair, the Planning Director, came over, so it is available. We checked to see if it had been circulated.

Council Vice Chair Kagawa: Thank you, Ms. Fountain-Tanigawa.

Councilmember Yukimura: Perhaps the Planning Director can tell us right now, what his answer is.

Council Vice Chair Kagawa: The rules are suspended.

There being no objections, the rules were suspended.

Mr. Dahilig: In advance of today's meeting, I was asked by Council Services to also be able to discuss the project. I have a handout for the Council.

Council Vice Chair Kagawa: Would you like Mr. Dahilig to verbally go over it?

Councilmember Yukimura: I do not know what he has passed out. Is it an answer to the question?

Mr. Dahilig: It is an indirect answer to the question in a sense that our response back, if it is okay to disclose, Councilmembers, because that communication was to you, was concerning whether or not the subdivision approval that was given by our Department was in contrary to the law and therefore is considered invalid. In reading the analysis that was proffered to our Department concerning whether this particular subdivision was contrary to Chapter 7(a) of the Code, we responded back by citing, if you look at the second page, Section (c)(1) or Section 7A-1.4(c)(1), which was not cited in the memorandum. We had asked that the analyses that you provided to our Department also include whether or not this Section 7A-1.4(c) was also applicable in the subdivision circumstance. In discussing this, and I have attached the two (2) memoranda from at the time Director Cobb-Adams and Director Fu as we went through the Special Management Area (SMA) process and the subdivision process that there was an analyses done concerning the applicability of the Housing Ordinance as it relates to Section 7A-1.4(c). If you look under there, I have added some emphasis as underlined and it says, "Other approvals granted by the County administration," and it states, "(1) Subdivision or consolidation of land, zoning, and building permits for residential development in any zoning district in which the overall project density would allow more than ten (10) residential dwelling units." Given that, we looked at the situation. Is there more than ten (10) residential dwelling units in the subdivision and based under the proposal, they have proposed ten (10) lots with one (1) density each based off of what happened on the SMA permit and therefore, there was a determination that it was not applicable. We have not answered your question in an affirmative or negative, Councilmember Yukimura; we were asking that your analysis also take into account whether or not this particular section does apply in the situation where you are characterizing the subdivision approval as being illegal.

Councilmember Yukimura: Well I am presuming that this subdivision requirement is in the ordinance, that this is ordinance language "allowed at least ten (10)."

Mr. Dahilig: Yes, so if you look at the word ordinance, the ordinance says, "allow at least ten (10)," but when you look at subdivision, it says, "more than ten (10)."

Councilmember Yukimura: When was that law passed?

Mr. Dahilig: This was passed, I believe, in 2007, under Ordinance No. 860. If you look at the second page.

Councilmember Yukimura: Ordinance No. 860 is the Housing Bill?

Mr. Dahilig: The Housing Bill, yes. That distinction, if you look at Director Cobb-Adams comments, you will notice that in their form they provide three (3) different checkboxes where it says residential dwelling units, it is towards the upper middle part of the page, it says residential dwelling units select one (1): none or less than ten (10), ten (10), or more than ten (10). The bright lines that are set forth in Chapter 7A-1.4 are different when it talks about ordinances or district boundary amendments (DBA) as compared to zoning permits or consolidations of land.

Councilmember Yukimura: Have you had the County Attorney weigh in on this?

Mr. Dahilig: I have not, but in my understanding from what comments we got from the Housing Director during the subdivision process through our 360 requirements under the Code, they consulted with the Office of the County Attorney concerning the applicability and so I cannot speak for what advice that specifically came from the Office of the County Attorney that was given to Director Fu. The result of that advice is essentially the comments that we got transmitted to us in writing.

Councilmember Yukimura: I think we need...I mean there is an obvious conflict in the laws and in the interpretation of the laws. We need a County Attorney's opinion on this.

Council Vice Chair Kagawa: We will have staff send a request. Any further questions for Mr. Dahilig?

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: It seems to me that we need to get a reading on this before we act on this.

Council Vice Chair Kagawa: This is only first reading. It will go to public hearing, it will go to committee, and I am sure that it is enough time to get the appropriate responses that you need.

Councilmember Yukimura: Okay. I think that actually for public hearing purposes, we need to get a clear reading on the law.

Council Vice Chair Kagawa: Yes. We can have the public hearing and I am sure that at some point if the County Attorney feels that it is illegal, he will tell us...he will order us or instruct us to kill the bill. I think that is where we are at on that. No further questions? Anybody from the public wishing to testify on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Vice Chair Kagawa: Further discussion, Members? Seeing none, roll call.

The motion for passage of Proposed Draft Bill (No. 2647) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 17, 2017, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami	TOTAL – 5,
AGAINST PASSAGE:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: Back to the top of the agenda.

Ms. Fountain-Tanigawa: Council Vice Chair Kagawa, this brings us back to page 3, C 2017-92.

C 2017-92 Communication (03/22/2017) from the Chair of the Committee on the Status of Women, requesting Council approval to receive and expend funds, in the amount of \$2,000.00, from the Hawai'i State Commission on the Status of Women, to support ongoing advocacy and work towards equality for women and girls by acting as a catalyst for positive change through advocacy, education, collaboration, and program development: Councilmember Kaneshiro moved to approve C 2017-92, seconded by Councilmember Kawakami.

Council Vice Chair Kagawa: Any discussion? Anybody from the public wishing to speak on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

The motion to approve C 2017-92 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Next item, please.

C 2017-93 Communication (03/24/2017) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to Chapter 8, Kaua'i County Code 1987, as amended, to include properties shown on Zoning Map ZM-PO 300 (Po'ipū) to adjust the "Visitor Destination Area," also known as the "Timeshare Boundary" to include parcels Tax Map Key Nos. (4) 2-8-21:041 and 2-8-21:044-068: Councilmember Kaneshiro moved to receive C 2017-93 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Anybody from the public wishing to speak on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Any further discussion, Members?

The motion to receive C 2017-93 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

C 2017-94 Communication (04/03/2017) from the Prosecuting Attorney, requesting Council approval to correct the grant period for Contract 15-DJ-05, which was approved by the Council on July 6, 2016 as item C 2016-152. The corrected grant period is April 1, 2017 to March 31, 2018: Councilmember Brun moved to approve C 2017-94, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Any discussion? Anybody from the public wishing to speak on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2017-94 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Next item, please.

CLAIMS:

C 2017-95 Communication (03/10/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Adrian Pu'u, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2017-96 Communication (03/15/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jeanette Jensen-Engstrom, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2017-97 Communication (03/17/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ruth Johnson, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2017-98 Communication (03/20/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Thomas K. Lamb, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kaneshiro moved to refer C 2017-95, C 2017-96, C 2017-97, and C 2017-98 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion? Anybody from the public wishing to speak on this matter?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2017-95, C 2017-96, C 2017-97, and C 2017-98 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Next item, please.

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2017-12) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2017-10 Communication (03/28/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer and the Director of Human Resources, to provide a briefing on the Administration’s plans to create a “Logistics Team” within the Department of Public Works,”

Councilmember Kaneshiro moved for approval of the report, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion? Anybody from the public wishing to speak on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

PLANNING COMMITTEE:

A report (No. CR-PL 2017-05) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2017-02 Communication (03/22/2017) from Committee Chair Chock, requesting the presence of the Planning Director, to provide an update on the Administration’s recommendations for an islandwide Additional Rental Unit (ARU) policy,”

Councilmember Kaneshiro moved for approval of the report, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion? Anybody from the public wishing to speak on this?

There being no objection, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Next item, please.

Ms. Fountain-Tanigawa: Next item is Resolution No. 2017-30.

Resolution No. 2017-30 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Linda Kaauwai-Iwamoto*): Councilmember Kaneshiro moved for adoption of Resolution No. 2017-30, seconded by Councilmember Brun.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Vice Chair Kagawa: Roll call.

The motion for adoption of Resolution No. 2017-30 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Vice Chair Kagawa: Next item, please.

Resolution No. 2017-31 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Isaac K. Cockett*): Councilmember Brun moved for adoption of Resolution No. 2017-31, seconded by Councilmember Kaneshiro.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Vice Chair Kagawa: Roll call.

The motion for adoption of Resolution No. 2017-31 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes. The next item is Resolution No. 2017-32.

Resolution No. 2017-32 – RESOLUTION APPROVING THE FISCAL YEAR 2018 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES: Councilmember Kaneshiro moved for adoption of Resolution No. 2017-32, seconded by Councilmember Kawakami.

Council Vice Chair Kagawa: If you have any questions regarding the budget, then the item needs to be deferred. Council Chair Rapozo is our HSAC representative or was our HSAC representative, and he is the only one that can answer in detail the questions that you may have. Do you have questions?

Councilmember Yukimura: Yes, I have a lot of questions.

Council Vice Chair Kagawa: Okay.

Councilmember Yukimura: I would like to request balances in each line item and I would like to see the expenditures on certain ones, but I believe there is a process for asking for that. Therefore, I would like to have a deferral to the Committee Meeting or a referral to the Committee Meeting.

Council Vice Chair Kagawa: If you can do us a favor and have those questions as best as you can in detail so that at the next Council Meeting, we do not spend too much unnecessary time on it. If not, it would probably be better if we sent it to Committee, but we will just send it to the Council, defer it as instructed by our Chair.

Councilmember Yukimura: Okay.

Council Vice Chair Kagawa: Before we ask for that motion, does anybody from the public want to speak on the HSAC budget?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order and proceeded as follows:

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: I just want to say that I would like to have information on the Prescription Drug Scholarship Program, Prescription Drug Promotion, and the HSAC Promotion and Outreach. I would like to have some details on those expenditures, but I will put my questions in writing.

Council Vice Chair Kagawa: Can we have a motion to defer?

Councilmember Kaneshiro moved to defer Resolution No. 2017-32, seconded by Councilmember Yukimura, and carried by the following vote:

FOR MOTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura	TOTAL – 6,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Vice Chair Kagawa: Okay. We are done with all the items in perfect time and you folks are all back, so are we all ready, Mr. Trask? The rules are suspended. We are back to Resolution No. 2017-24 and the motion is to be approve as amended.

There being no objections, the rules were suspended.

Mr. Trask: I think we had a fruitful discussion downstairs. I definitely heard what the supporters of the Resolution had to say; they have a lot to say, and it is very important issues. My take away...and I do not want to speak for them today and some of them would like to speak and take their three (3) minutes to do so. The impression that I got was really their concern about...even though it is a resolution, they want to ensure that actions continue to be taken to enforce these very important rights, duties, and obligations. I think an appropriate policy statement regarding that, I believe, would bring this Resolution to where it may be supported today. I really do not want to speak for them in total, I know they want to speak for themselves, but that is my take away. If you can look at that and then...

Council Vice Chair Kagawa: I guess what we will do is we will take public testimony, we will see if any amendments need to be made to the amendment, and then we can take a break and have those prepared, should any amendments be processed. Do you have a question, Councilmember Chock?

Councilmember Chock: No, he answered it, thank you.

Council Vice Chair Kagawa: Councilmember Yukimura, do you have a question?

Councilmember Yukimura: No.

Council Vice Chair Kagawa: Alright. We will go to public testimony, if that is okay with the Members.

Ms. Fountain-Tanigawa: Council Vice Chair Kagawa, the first registered speaker is Lisa Ellen Smith, followed by Marghee Maupin.

Council Vice Chair Kagawa: The process, just to remind those of you who have not done it before, is you will have three (3) minutes, please begin by stating your name, and if you have more than three (3) minutes of testimony, you can come back after everybody is done in the order that you came up. Thank you. If you have not signed up, please sign up. That will make it easier for the staff.

LISA ELLEN SMITH: Good morning Chairperson Kagawa and Councilpersons. My name is Lisa Ellen Smith. I am a resident of Lihue. I am the Kaua'i

Commissioner on the Hawai'i Commission on the Status of Women. I am speaking here today in support of the Resolution put forth by the Committee on the Status of Women. Women experience sexism every day. Wherever we tolerate inappropriate language and sexist references to career options such as "It is a man's job" or "The kitchen is a woman's domain." Have you ever heard of plus-sized men departments? I have not. Have you ever been told to smile, "You look pretty when you smile?" Do men experience being catcalled or whistled at? Women everywhere everyday do. They experience what we call "institutionalized sexism." We are not equally represented here today at County Council and in the number of Department Heads at the State of Hawai'i or in the County of Kaua'i. There are many ways to create gender parity by creating and implementing policies that inspire women to choose higher paying professions, allowing employers more workplace flexibility or minimizing gender pay gaps by assessing County employee's gender pay promotion data. In 2006 when the Charter Review Commission was created by amending the County Charter, it initiated the process of gender neutralizing the County Charter. Last year, ten (10) years later, the Charter Review Commission issued a ballot amendment to the Charter that amends the Kaua'i County Code to be gender neutral in an effort to eliminate an inherent biased. That was passed last year. It is slow, but steady. This Resolution presented to you today will take another step in demonstrating the County's ongoing commitment to gender parity. Thank you for your vote today in showing gender equality for your mothers, your daughters, your granddaughters, and I would like to ask those in this room that are in support of this Resolution to stand up because they are here in support. Thank you for your time.

Councilmember Yukimura: I have a question.

Council Vice Chair Kagawa: Councilmember Yukimura has a question.

Councilmember Yukimura: Thank you, Lisa, for your testimony. Do you support the proposed amendment?

Ms. Smith: I have not had enough time to really review it and assess it in its full capacity, I apologize.

Councilmember Yukimura: So, is it...

Ms. Smith: I would like to see an implementation, I would like to see a task force, I would like to see a data analysis of the number of females in the same position, and the number of promotions. I would like to see an analysis of this data presented by the County, but that has been removed.

Councilmember Yukimura: So, you do not support the amendment?

Ms. Smith: I support...I would like to review it, as I said. I would like to have more time to assess. Could it be better? Maybe we pass this and come back with an ordinance that amends, much like the City and County of Honolulu does. The City and County of Honolulu had an ordinance—"Chapter 1, Article 11, the City and County of Honolulu shall refrain from discriminatory practices and city employment including any practice that discriminates on the bases of non-ability based on criteria."

Councilmember Yukimura: Okay.

Ms. Smith: They adopted last year full the CEDAW.

Councilmember Yukimura: Would you confer before we finish this with your colleagues and see if you would like a deferral to be able to work on the language or if you are okay with a resolution that is amended in the way that has been proposed?

Ms. Smith: I can do that.

Councilmember Yukimura: Thank you.

Council Vice Chair Kagawa: Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Marghee Maupin, followed by Margie Merryman.

MARGHEE MAUPIN: Thank you for having me. You folks have given me a voice over the years, I used to be very nervous speaking in front of public and would get physically ill, but I am getting my voice and it is great feeling. The Convention of the Elimination of All Forms of Discrimination Against Women or "CEDAW." I am sorry, my name is Marghee Maupin. Women in the United States (U.S.) are of higher status than most of the world, however President Carter signed Comprehensive Economic and Trade Agreement (CETA) treaty in 1980, but unfortunately the U.S. is the only industrialized nation that did not ratify the treaty. Three (3) of the Counties who shared this failure to ratify the treaty are Sudan, Somalia, and Iran. History of discrimination in the U.S. is bad. I am going to talk a little bit about my own family. My great-grandmother was trained as a physician, but was not employed due to the all-male American Medical Association. She was light-hearted sort, so she decided to enjoy that the fact that her and her husband could have common things to talk about, but she was never allowed to practice. My grandmother was a Chemistry Professor and was not allowed to teach during her five (5) pregnancies. I am not sure why that happens. Is it that people might think that she had sex or...I am not sure why that is...My mother, also a professional, at the age of 87, still remains an activist and union leader of the American Federation of State, County and Municipal Employees (AFSCME). My father marched with Martin Luther King, Jr., for the Black Group with Cesar Chavez during pro bono work as an attorney and was involved in many other social justice activities. I am very proud of my father, he got a lot of praise and attention written up in the *Los Angeles Times*, offered talks around the Los Angeles County, and received many awards for his activism and the results that came from his work. This was all made possible for him due to the fact that my mother was holding down the home front while caring for us children, which in essence is our future. Currently, stay-at-home mothers in the U.S. get little credit for their work and very minimal, if any benefits. In fact, they are commonly labeled as "lazy, with no job." Myself, as a girl and young woman, was abused physically, psychological, and sexually since the age of seven. I have feared for my life at the hands of men, who were mostly supposedly trusted friends and close family. My daughters, unfortunately, have suffered some of this also. My most current observation of discrimination was two (2) weeks ago when the CEDAW agenda item was first brought up. I listened to the meeting carefully and in my opinion the matter of which some of the County Councilmembers interacted with the one (1) female County Councilmember was patronizing and dismissive, verbally and nonverbally. This is not the first time I had observed this type of discrimination towards the one (1) female Councilmember.

Council Vice Chair Kagawa: Your time is up. You can come back after everyone has spoken.

Ms. Maupin: I thought I could be granted three (3) more minutes possibly.

Council Vice Chair Kagawa: The process is three (3) minutes and then you can come back after everybody is done.

Ms. Maupin: So, I can have three (3) more minutes now?

Council Vice Chair Kagawa: No. When everybody has gone one (1) time. We have a normal process.

Ms. Maupin: Okay. No problem.

Ms. Fountain-Tanigawa: The next speaker is Margie Merryman, followed by Savita Agarwal.

MARGIE MERRYMAN: Good morning, my name is Margie Merryman. Council Vice Chair, former Mayor Yukimura, Councilmembers, and members of the viewing audience. I am here today to ask you to go ahead and accept this Resolution. Initially, I was disappointed that you would not take it in its entirety. I would like to commend the lawyer, Mauna Kea, for his guidance and explaining the issues to us. What came out of it was we would like to see a policy statement, an administrative policy where there is a vehicle for enforcement, because that is what we are looking at. We know that we want to end the discrimination against women. We all pretty much realize what has happened in the past, we want to move forward, and that is why we wanted the resolution. But recognizing that this is a resolution, we also want to know that there is going to be some type of vehicle to enforce it. So maybe this is a step in the right direction, but it is a step but more to follow. Maybe there can be some type of a commission that can help put it together, create the scope, and come up with the policy statement. I think that is what Councilmember Yukimura was asking us about when the lawyer spoke. I have to say that my experience with being a woman was I have been sexually harassed in the work environment. I worked in a predominately-male environment. I was a sailor, I lived aboard a fifty-five foot (55ft.) sailboat, and I went to work for a marine company because I wanted to get the boat discount to outfit my boat to go cruising around the world. The discrimination I received in the work environment from the men, who were threaten by a woman who knew how to tie knots, new terminology and electronics, et cetera— it was astounding. Then the customers who came in, who wanted to talk to a man about electronics, and I say, “I can help you,” and they respond, “Oh no, get us a man.” I get the stock clerk and they come back over and ask, “Margie, how does this work?” So you know, we are making steps, but we are not there yet. Look at what happened with our election. A man got elected who does things to women that he bragged about, which were completely inappropriate. Although I am really disappointed that you do not want to join the Convention for the Elimination of Discrimination Against Women, and it was explained to us why, this is really a good opportunity for us to move forward. I really hope you will adopt this Resolution and demonstrate your support for the women of Kaua‘i and our future generations to come. It is really, really important that we do not discriminate against women, especially the work environment and that we create opportunities for everybody to have every opportunity equally. Thank you for your attention to this matter. I really appreciate it. I will say two (2) weeks ago when I was here, I also did observe some very disrespectful behavior directed towards Councilmember Yukimura. Maybe you folks just are not aware of it, but we saw, and in the future, if you could just realize that eyes are watching, we would appreciate it. Thank you.

Council Vice Chair Kagawa: Thank you.

Ms. Fountain-Tanigawa: The next speaker is Savita Agarwal, followed by Patricia Wistinghausen and Laurel Brier.

SAVITA AGARWAL: For the record, my name is Savita Agarwal. Thank you, Chair and thank you all County Councilmembers for your service. We are all here today because we do care for our community and we love our community. We are all in it together. It is not us working against you because I know you love the community and we all love the community. We can all agree that treating people with respect and equality brings harmony. We all remember that our mothers protected us when we were growing up and we were little kids. Unfortunately, the females do not have the same protection under the law as men. We are all aware of the fact that women do not get paid the same as men, although we have laws on the books. We all know and we are all aware of it, so equal wages are really important in today's day and age. It is not only passing the laws, but enforcing the laws, following the laws. In Washington D.C., Senator Mazie Hirono and Senator Brian Schatz get paid equally. Our Congressmen and Congresswomen are paid equal. Male and female governors are paid equal. Councilmembers get paid equal. We need to bring the same equality in all areas of our workplace, public or private. I know that with good intentions and an open heart we can resolve all the issues. Councilmembers will be able to pass the resolution, and passing the resolution is only half the battle. We need to put it into practice and we will all have to make a conscious effort to do that. We will have to catch ourselves from time to time and only when this is done, the community can thrive. *Mahalo* for giving me the opportunity to express my views.

Council Vice Chair Kagawa: Next speaker.

Ms. Fountain-Tanigawa: Next speaker is Patricia Wistinghausen and Laurel Brier.

PATRICIA WISTINGHAUSEN: Good morning, Councilmembers. Thank you so much for having us here today. My name is Patricia Wistinghausen and I am the Vice President for Kaua'i Women's Caucus and this is Laurel Brier, who is the President for Kaua'i Women's Caucus. Over the course, of the past month we have actually held four (4) meetings across our community and we have a fifth one that we are going to be organizing also on the westside of Kaua'i. Essentially over the course of those meetings, we had over one hundred fifty (150) people show up to rally, basically to say that these are very hard times we are going through right now with the different changing political climate. There are a lot of different issues out there, but how do we organize and become efficient or active in mobilizing the people to participate in our government. We actually have over one hundred (100) people and counting, that are actively voting constituents here in our community and who want to be involved here and get to know each and every one of you to be able to work as a partnership. So whether it is women's rights like we are here to support today with Resolution No. 2017-24 and the elimination of all forms of discrimination against women or any other subject area, we hope to get to know each and every one of you and really build our community together. Just a little bit of background, I am with the Kaua'i Violence Prevention Coalition as well. I help coordinate that for a community and the whole idea of it is to connect our service providers, our partners, whether it is child abuse and neglect, domestic violence, suicide prevention, alcohol and drug abuse awareness of which this is April. The month of April is a big month for those issues. So whether any of those areas, the idea of course is to connect everybody, get us working together, and organize. *Mahalo* to Mauna Kea for meeting with us. We had a very diverse group with people from Women's Caucus,

people from the ladies of the Young Women's Christian Association (YWCA). They did have to go, but they asked me to say *mahalo* also and they did submit a written testimony. We have ladies from the Committee of the Status of Women, Kaua'i Indivisible and we are each individually parts of other networks and groups, so same thing...we just want to say that we do support this Resolution and would like it...even though everybody always wants more time, we would like it passed, even as amended, and we would like to move forward from there as far as gender equality within our community.

LAUREL BRIER: I think she said it. I think there has been a big stirring down to our deepest nature, really, with the injustices that we are seeing with the racism and sexism that has been embolden by the Trump Administration. What our group is looking at is justice for all. These are women's issues; it is everybody's issues regarding environmental justice, economic justice, political justice, and social justice. Yes, we are finding it easy to gather because I think it is speaking to people and I would like to see this Resolution...I think it can be transformed into some real action with the Council, too, as far as maybe seeing quotas on commissions, maybe even looking what it would take to have a quota on the County Council. Thank you for your action, attention, and your movement forward.

Council Vice Chair Kagawa: Chair, there are no further registered speakers. I believe there was one (1) speaker that wanted to return.

Ms. Maupin: Again, Marghee Maupin. I am going to start the last bullet points that I think I finished, but I am going to say it again. My most current observation of discrimination was two (2) weeks ago when the CEDAW agenda item was first brought up here. I listened to the meeting carefully and in my opinion the manner in which some of the County Councilmembers interacted with the one (1) female County Councilmember was patronizing and dismissive and this is a form of discrimination. It was done verbally and nonverbally. This was not the first time I had observed this type of discrimination towards the one (1) female County Councilmember. I actually hear it regularly. I believe that CEDAW should be adopted by the County and should be an ordinance. The CEDAW task force shall identify the County departments, programs, policies, and entities to undergo the gender analysis and shall develop timelines for completion of the analysis and action plans. Absence of a task force (inaudible) actually the commission shall make the selection. The commission shall train the selected department entity, policy, or program staff to conduct its gender analysis and shall provide technical assistance to the entities throughout the gender analysis process and develop development of the action plan. Each department or entity undergoing the gender analysis shall designate a management and/or executive-level employee to serve as a liaison to the commission and to coordinate the completion of the gender analysis. Each department or entity undergoing a gender analysis shall provide a report on this gender analysis and the action plan to the CEDAW task force and the commission, which shall review, analyze, and comment on the report and forwarded to the board of supervisors and the Mayor. The commission shall monitor the implementation of each department of entities action plan. How this is working on the local level for San Francisco—San Francisco was the first city to adopt the CEDAW ordinance in 1998. They secured passage of a binding ordinance while integrated CEDAW city and county government's legislation of which has made a measurable difference in public safety, budgetary allocations, and employment. Soon after LA passed CEDAW legislation. They created an oversight body to monitor the implementation of a local CEDAW ordinance. They did a gender analysis of city operations of the workforce, programs, and budget to align themselves with the principles of CEDAW and received endorsements from elected officials and were

granted funding to support the principles of CEDAW. They received endorsements from elected officials and multiple other stakeholders while mobilizing...I am sorry...they also received endorsements from multiple stakeholders. Thank you.

Council Vice Chair Kagawa: Thank you. If you have not spoken the first time, you can come up.

BRUCE HART: For the record, my name is Bruce Hart. Honorable Chair and Honorable Members of the Kaua'i County Council. I object to this entire amendment. I object to it because of where it has come from: the United Nations (UN). I object to the original CEDAW document and I do so based upon my assessment over the last three (3) decades of the United Nations and other related issues. The Bible says that a bad tree cannot produce good fruit and a good tree does not produce bad fruit. In my decided opinion after three (3) decades of studying the United Nations, it is a bad tree. This is just one (1) of the documents that I would like you to see among dozens as to the character of the United Nations. It reads, the UN peacekeepers rape scandal gets worst and I want to read the first part of it. "One night late last August as a Central African Republic was gripped by a conflict between Christian and Muslim groups, UN peacekeeping troops descended on an enclave in search of a suspect. One of the peacekeepers is accused of taking a twelve-year-old girl behind a truck and raping her. 'When I cried, he slapped me hard and put his hand over my mouth,' the girl told. It was hardly the only act of brutality by peacekeepers and the world's poorest nations. There were ninety-nine (99) allegations of sexual abuse against UN staff last year, a twenty-five percent (25%) increase over 2014 affecting peacekeeping operations in Counties including the Dominion Republic of Congo, Haiti, Ivory Coast, Libya, Somalia, and Sudan." This comes from Bloomberg News and it is not a rightwing news organization. Again, I have a stack back there that you are welcomed to review based upon the character of the United Nations and it is because of that and because of where this amendment has come from, the original CEDAW document that I am against it. What I advise the Council is that you defer this matter, scrap this amendment, and begin with these women, this committee from a fresh start for a resolution that we can all be comfortable with. Thank you.

Council Vice Chair Kagawa: Thank you. Anybody else wishing to speak at this time? Seeing none. The meeting is called back to order. Councilmember Yukimura.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: Yes, Council Vice Chair Kagawa, I have some amendments to propose based on testimony, so I would like to take some time to develop them.

Council Vice Chair Kagawa: Sure.

Councilmember Yukimura: Can I have maybe fifteen (15) minutes.

Council Vice Chair Kagawa: Okay. We will take a caption break.

Councilmember Kaneshiro: Mauna Kea spoke with them regarding a quick amendment that had two (2) words in it, so I was planning to withdraw the amendment we have on the floor and circulate the new amendment with the additional words that Mauna Kea incorporated. I do not know if you want to talk with him and incorporate those words, so we can do it all at once.

Councilmember Yukimura: Okay. I will be happy to do that.

Council Vice Chair Kagawa: Okay, we will take a twenty (20) minute caption break.

There being no objections, the Council recessed at 10:18 a.m.

The meeting was called back to order at 10:46 a.m., and proceeded as follows:

Council Vice Chair Kagawa: Councilmember Kaneshiro can you withdraw the motion to amend and Councilmember Brun can you withdraw the second?

Councilmember Kaneshiro withdrew the motion to amend Resolution No. 2017-24 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1. Councilmember Brun withdrew the second.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Thank you.

Councilmember Yukimura moved to amend Resolution No. 2017-24 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Chock.

Council Vice Chair Kagawa: Are there any discussion?

Councilmember Yukimura: I just want to explain that using the amendment that Councilmember Kaneshiro introduced, we put back the paragraphs, which were proposed to be removed, where there were statements of facts, such as "The Cities for the Convention on the Elimination of All Forms of Discrimination Against Women campaign seeks to protect the rights of women and girls..." Anyway, those are all factual statements that we put back. We kept the opinion paragraphs out and I think the most important amendment is that "Whereas the County of Kaua'i is resolved to use the principles of the Convention on the Elimination of All Forms of Discrimination Against Women as a policy guide," the language now is, "To use and enforce the principles on the Convention on the Elimination on all Forms of Discrimination Against Women." I think it makes this Resolution clearer. It includes an enforcement language and basically supports the essence of the principles of the United Nations Convention on the Elimination of all Forms of Discrimination.

Council Vice Chair Kagawa: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I just have one (1) question for the County Attorney. I just want to clarify that the original amendment that was done was not my amendment. It was the County Attorney's review, Mahealani M. Krafft, Deputy County Attorney. She reviewed it and proposed the amendments and I just introduced it. My question for Mauna Kea is were you able to review the changes and are you okay with them?

Mr. Trask: Yes, I did. Councilmember Yukimura is correct. The factual statements are facts. They are not neither here nor there legally or they are appropriately legally therefore. Like I spoke with you, Councilmember Kaneshiro, I believe that the addition or with your permission to the first "Be It

Resolved," it is a strong policy statement, but it is a policy statement meant nonetheless regarding to enforce, so I do not think it would run afoul of anything. I really think the most important thing today is the body to make a decision supporting this important policy statement, and then recognize although there maybe future actions to take with the policy level today.

Councilmember Kaneshiro: Yes, those were the two (2) words that was going to be added prior. I was going to withdraw and then just resubmit it with that "and enforce," so I am okay.

Councilmember Yukimura: Thank you.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: I had the same question. Thanks.

Council Vice Chair Kagawa: Further questions for Mauna Kea?

The meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Are we ready? Do we need it up on the overhead?

Councilmember Yukimura: Can we vote on the amendment, and then have discussion on the motion as amended?

The motion to amend Resolution No. 2017-24 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: We are back to the main motion. Discussion?
Councilmember Chock.

Councilmember Chock: Thank you everyone for putting this forward. I really appreciate it and I think we have to support and celebrate the ideas that we want to be defined by...and thank you also Mr. Hart, I think it takes a lot of courage to come up here and speak against the wave of interests that is moving in another direction. However, I think that there are unfortunate things that happen in many organizations and I think we need to focus on what it is that we want, that we think is important, and the values that are important for us to see into the future. This idea of discrimination or fear is really a fear of scarcity that I think we need to eliminate in whatever form it materializes in our lives and really transition to what can be, which is abundance for all; equality for all, justice for all. I am very happy to support this Resolution. I hope that it is a good first step for us to many more and again, thank you all for putting it forth. Thank you.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: Thank you. I will be supporting this going forward. I guess for us, we do not see it as much. Where I work during the daytime, there are a lot of women that make more money than me over there and get treated better. My wife makes more money than me and we work at the same company. I guess it is where you are at or who does it and that is what we have to look at. For us, Council Services, we have seventeen (17) women and two (2) men, so there is not

really a diverse there. On the Council, yes, everyone talks about that – we have six (6) men and one (1) female, but at Council Services, if you look around there are seventeen to two. I just did not know it was that much of an issue, which I do not think it really is here on Kauaʻi, but I will be supporting it and I think we need to move forward and treat women the same as we treat men. Thank you.

Council Vice Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am in support of this Resolution as amended. Unfortunately, when it first came up, “the devil was in the details.” We do look at the information and we do see what this binds the County Council to, do we need to start taking on State responsibilities with prenatal care and medical services as the exhibit says? That kind of makes us say, “Wait, let us take a step back.” We do support this in general, but when it comes to details, unfortunately we have the Office of the County Attorney that is able to vet it and produce something that we can all agree on. I am happy with the way it turned out. I did hear a little bit in the testimonies about discrimination and stuff and it does put a black cloud over everybody when you hear those type of words. For me, I would like to see us encouraging more women and showing the positive, showing what powerful women we have on the island. I think that would provide...I mean you keep talking about all of this discrimination, it might make people feel taken a back, but if you start talking about women that have done a lot on the island, women that have been very positive, I think that is what will inspire everyone to want to do better. For me, I was exposed to a lot of women. I have a lot of women who are very influential in my life, as I look back at who I am today. My mom was a working single mother, raised me and my brother. My fiancé Gwyn, you can ask her who wears the pants in house, I mean she obviously wears the pants in the house. She is college educated, she works at an auto repair shop. She manages an auto repair shop, which is typically a male dominated industry. Then, you look at the people that I have grown up with such as Auntie Stella Burgess, Phyllis Kunimura was my kindergarten teacher and now I am on the Kōloa Plantation Board with her, Cheryl Shintani who is also a teacher. There are just a lot of success stories of women who have done great and I think the more stories that that go out, is going to inspire people to say, “We can do whatever we want. We can be whatever we want.” For me, I think that is a much brighter thing, when people think about what they want to be or what they can do. That is just my opinion. I even look at my Grove Farm Office. We have thirteen (13) employees, we manage thirty-seven thousand (37,000) acres of land, and seven (7) employees are women. So the women outnumber the men at Grove Farm also. I can tell you that every single one of them there is important to Grove Farm’s success. My point being there are many powerful women around the island. I know I left out a whole bunch of people that have been very important to me and the way I grew up, but my point is that there are a lot of powerful women that have done a lot and have been very successful. I think they should also be highlighted and I guess bragged about because they have made positive influences on a lot of people here. That is just me. In my work areas, I have not really seen much discrimination, but again, I think we should be empowering people and showing them that there are things to strive for, there are many successful women on Kauaʻi, there are many powerful women on Kauaʻi, and I think that will make someone say, “Yes, I want to do that.” Obviously we need to address discrimination, but if we focus too much on discrimination, it kind of puts a black cloud over, I think, and focusing on the positive and having the light that people can look at and say, “This is an example of somebody that has made it.” This is just my thoughts of when I think about the issue. I will be supporting this Resolution. I probably went a little off topic, but I just wanted to highlight some of the very successful, positive women that have been in my life, personally.

Council Vice Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: Thank you. I am happy to support this Resolution. As Councilmembers, oftentimes our decision-making is formulated by our personal experiences, so we reflect back and Councilmember Kaneshiro reflected back on his experiences. For me, being the former owners and operators of Big Save, I went to our inventory of stores and I can tell you, we had six (6) grocery stores, four (4) of them were managed by women. We had five (5) convenience stores and at one time all five (5) were managed by women. Shell gas stations, both of them, were managed by women. We had our Subway operations, we had five (5) Subways, which were managed by women. We had three (3) gift shops that were managed by women and we had an human resources director that managed all of our human resources, which was a strong woman. It makes me reflect when Senator Inouye was alive and he was addressing the Hanalei Bridge's Committee. He said that there were these females that came to him and lobbied him tenaciously to save the bridge when everybody else said that we are going to expand the bridge, it took these females to save that bridge and he ended it by saying, "If you want to have tranquility and peace on Earth, you listen to women" and I believe that. I sincerely believe that. I have to say we still see discrimination on playgrounds, we still see discrimination in schools, we still see discrimination based on sex, age, gender, race, and color every single day. Even though we have laws protecting it, there is no dispute that it still exists. I think what we are looking for is enforcement and I truly believe that we learn these things at home, we learn about them in school, and the only way we can perpetuate love is if we start within the walls of our own homes. Thank you Council Vice Chairman.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: My husband always said that this is a very "yin" island and when you do look and see at the achievement and the issues that are raised here, it is really true. There was a group of women that started Island School. If you look at many of our nonprofits, women are running it and as my colleagues have pointed out, there are women working hard everywhere and thankfully in managerial positions as well. We, who are women, stand on the shoulders of the women who went before us who did not have—well, look at the women in sports now too, who did not have the opportunities that we have today. There still exist, but more subtle discrimination that are holding our women back and not just holding our women back, but depriving society of the fullest potential of women. My husband grew up Catholic and when you look at the Catholic system, the women are running the hospitals, they are running the schools, but they cannot be in the major decision making, they cannot be priest, and look at our corporate boards, and look at our legislative lawmaking, and the proportions are really not reflecting the proportion of women in society. There are still a lot of work to be done and it is so important to affirm our commitment as government, as a community, to true equality. I am very thankful that we are passing this Resolution today. I heard recently on the radio program Marketplace, which is on Hawai'i Public Radio, how corporations are doing audits of themselves in terms of salary equity and other things. I think we now have to look at these specific tools to implement the laws and reach the actual parity that we are wanting. So, those are the next steps and I thank those women, Lisa, Savita, and Virginia who are on the Committee on the Status of Women, and all of you who have stepped forward to support this Resolution. I urge you to continue the work toward more specific ways to achieve equality and it will take women and men to do this, so we have a lot of work to do. As we saw in the movie "Hidden Figures," when we do that, the society benefits and we are really talking about our daughters, our

sisters, our aunts, our nieces, and so this is about all of us creating a more fair and just society.

Council Vice Chair Kagawa: Thank you. Further discussion? I would just like to thank Mauna Kea and Mahealani from the Office of the County Attorney for reviewing the Resolution and making sure that we did not have legislation in there that should not be in a resolution. I believe that responsible legislation is a function of ours and that now I feel that this Resolution is appropriate and one that I can fully support. I think women are the ones that make the sacrifices and do not take credit and they are the unsung heroes. For myself, personally, my mom was attending college and during that time she was pregnant with my sister and she had to drop out of college. My father became the person that was able to go to college and my mom had to work all types of jobs, including running a small restaurant, but it is all about sacrifice and she was really the glue that kept our family together. Now I have two (2) young daughters entering the work world. One is student teaching at Punahou right now and the older one just entered the work field in Honolulu, working for a Certified Public Accountant (CPA) firm and thankfully they have not experienced discrimination based on their gender and I hope they never will. Today is a celebration of what I feel Kaua'i and the State overall if you look in totality, I think we do a good job of handling this issue. If you compare us with the other states, I think we are the "Aloha State" and for a lot of the local residents, that is the number one rule when you are brought up by your parents, is treat women with respect. I think for male siblings that is what we were thought from a young age and if we do not follow that we would get beaten. Going forward, hopefully this Resolution can make a stance about more awareness. We are following resolutions done by the City and County and Hawai'i island and thankfully I was with Councilmember Kaneshiro when he had asked a former Councilmember from Hawai'i island about this particular resolution and he said that he did not recall reviewing it and did not even know what it included when it passed before them. I am glad that we took the further step and made sure that we let the Office of the Attorney County review it just to make sure that if there are funding obligations and such that perhaps they need to be addressed in a formal bill or ordinance. That would come at a later time, not via resolution. We would be trying to use the wrong tool to do the wrong job. With that, I will be supporting this. Roll call.

The motion for adoption of Resolution No. 2017-24 as amended to Resolution No. 2017-24, Draft 1 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kaneshiro, Kagawa, Kawakami, Yukimura	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: Do we have any further business?

Ms. Fountain-Tanigawa: Council Vice Chair, we just have an Executive Session.

Council Vice Chair Kagawa: I have been informed by County Attorney Mauna Kea Trask that although our meeting with our Special Counsel is not until 1:30 p.m., that there is a document that can perhaps allow us to make our decision. I think it is worth going into Executive Session and reviewing and discussing with our County Attorney, so perhaps by reviewing that document that he has, we may

not need to wait until 1:30 p.m. to come to a decision, but if we need to, we can come back at 1:30 p.m. Are you inclined to try and go into Executive Session and seeing if we have sufficient information? Okay. With that, can we read the item?

EXECUTIVE SESSION:

ES-900 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. CV 16-00494 ACK-KSC (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Chock moved to convene in Executive Session for ES-900, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Is there any discussion? Is there any public testimony?

ANA MODES: Is it possible to speak generally on the discussions of the day?

Council Vice Chair Kagawa: No.

Ms. Modes: Or is it just on the Executive Session?

Council Vice Chair Kagawa: Just on the Executive Session item that is before us regarding Diana Gausepohl-White. Do you have anything on that topic?

Ms. Modes: Just about the hospital?

Council Vice Chair Kagawa: That is not allowed because that is not on the agenda.

Ms. Modes: There is no way to speak on what was discussed previously in the day?

Council Vice Chair Kagawa: Is there an item that you can relate to on the agenda?

Ms. Modes: Yes. The original item of the day. I did not see on the agenda that there was public testimony available and I came as soon as I could and I missed it.

Councilmember Yukimura: What is the subject you want to speak on?

Ms. Modes: Just in general. There were so much that you spoke on.

Council Vice Chair Kagawa: We are trying to determine whether...and our County Attorney is here, so if you tell us what you want to speak on, we can see if there is a process that will allow you to speak. What is the topic?

Ms. Modes: I just want to practice my civic duty about public testimony on the bill that was discussed earlier and it is in such conjunction with the conversations that we are having that is so inspiring by all of you Councilmembers. It would only be a minute.

Council Vice Chair Kagawa: On the resolution that we just adopted on the Status of Women?

Ms. Modes: No. The previous item, the bill. You asked if there was public testimony and I came as soon as I could. Is that okay, Mauna Kea, if I can speak on an earlier topic that was discussed with the Council?

Councilmember Brun: What is the topic?

Ms. Modes: The bill.

Council Vice Chair Kagawa: We will take a quick recess.

There being no objections, the Council recessed at 11:09 a.m.

The meeting was called back to order at 11:10 a.m., and proceeded as follows:

Council Vice Chair Kagawa: Can we have a motion to suspend the rules so we may allow her to provide testimony on the Resolution?

Councilmember Yukimura moved to suspend the rules to take public testimony, seconded by Councilmember Chock, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried, go ahead, state your name, and you many begin.

Ms. Modes: My name is Ana. I really appreciate this opportunity. You folks are very inspiring to the community, especially the children that became before you that you were able to give them a chair to sit. I am practicing now my civic duty which I feel is really important. I had a great education to understand the value of learning what economics and government and civics and all of that is and so I really appreciate this time to be before you. The issue that I have is that there is a bill that is being discussed to be approved while there is a Planning Commission in progress for the general plan in the Planning Commission at the time and I feel uncomfortable that there is any sort of change in perpetuity for a land zoning. I would like that to also be discussed, not only the legality of what the bill is, but in my view a feeling that it would be unethical and in some terms, in economic terms, exploitation of the people being that the land is for sale at the time, CIRI Land Development is selling it and the quote from the CBRG, the real estate, on the website it is quoted from (inaudible) said the high net worth land market on Kaua'i has been one of the strongest segments of real estate market in Hawai'i over the past few years and we anticipate this trophy land listing will follow that trend. For the game to be fair, I feel that the playing field needs to be even, and from my observations the playfield is not even, so what I would like to see is that there is a blowing of a whistle, calling of timeout, clearing everybody from the field, maybe bringing in some shovels or backhoes, evening out the playing field, spreading the seeds, growing the grass, and then calling the play back to order when there is a beautiful field where everyone

is enjoying the game and participating in it. This bill being discussed right now during the General Plan in progress in the Planning Commission feels like that is not really going on. Just to speak on illegal terms of the bill, I would also like it to be an ethical conversation and looking at the terms in the economy that is called "exploitation" and if that is also happening. With the amazing company CIRI that is created in order to enhance the lives of Native Alaskans that their territory was taken over, I feel that there should be some sort of regard to some Native Hawaiian territory and that discussion should be included in that as well. In Alaska, there are dividends paid for oil that is taken out of the state for all the residents, so not just the bloodline to be concerned, but the residents of Kaua'i and this "land market," termed as such, should be a conversation, as oil is such a necessity, the land being profited from. I saw the light go off, I have more to say, but I can save it for that time. I appreciate you all for listening to me. Thank you.

Council Vice Chair Kagawa: Thank you.

Mr. Hart: Excuse me.

Council Vice Chair Kagawa: Go ahead, Bruce.

Mr. Hart: I am totally unfamiliar with what just happened.

Councilmember Kawakami: Me too.

Mr. Hart: For the life me, I even asked I do not know how...although I appreciate her getting up and speaking, I am not familiar with any rule of the Council that would have allowed that. Is it our right? I watched and read the screen, Chair, and it was on women's issues, but then I got more confused because it was not on the women's issue.

Council Vice Chair Kagawa: She wanted to speak on the CIRI bill.

Ms. Modes: I am a woman practicing my power and my civic duty.

Council Vice Chair Kagawa: Bruce, she talked more about the CIRI bill on first reading. Mauna Kea had pointed out to me a section in our Council Rules that allowed us to reconvened an item, so we could allow public testimony.

Mr. Hart: I would like to make a request then.

Council Vice Chair Kagawa: Yes.

Mr. Hart: I never got my second opportunity to speak on the Resolution.

Council Vice Chair Kagawa: The rules are suspended, you may speak.

Mr. Hart: Thank you. I would like to address the Council in regards to the Resolution and I am really happy to be up here and the last speaker. Council, I was very emotional, but my point is that by passing this Resolution, you have legitimized the United Nations. You have legitimized much, if not all, of what they stand for and I am very familiar with the United Nations. I have

studied it for many years. The principles and policies of the United Nations are not in accord with the United States. They seek to become a world government. They seek to undermine the sovereignty of the United States of America. This was one of the issues that the U.S. Senate had to address whenever they first looked at CEDAW over thirty (30) years ago. I really understand all of the good sentiment in regards to what some of the Resolution says, but there is specific language I would like to have had an opportunity to address, specific wordings that joins us together in regards to this Resolution. Based upon that, I just could not support it. Again, I support the sentiment of much of it, but not all of it, but because I feel it is inherently flawed because it came out of the UN. I would have rather saw us stick together and start from scratch with this committee and work up something that we could have been proud of. Thank you.

Council Vice Chair Kagawa: Thank you, Bruce. Okay, let us go back to the vote for going into Executive Session. Any further discussion on that? We are back to the Executive Session item. Roll call, please.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to convene in Executive Session for ES-900 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

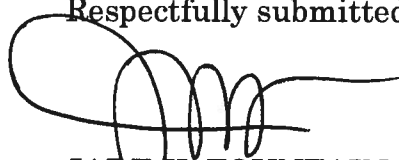
Council Vice Chair Kaneshiro: We will go into Executive Session and then we will be right back.

There being no objections, the Council convened in Executive Session at 11:20 a.m.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 11:40 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc

(April 12, 2017)

FLOOR AMENDMENT

Resolution No. 2017-24, Relating to Supporting the Principles of the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women

Introduced by: ARRYL KANESHIRO (By Request)

Amend Resolution No. 2017-24 in its entirety as follows:

[WHEREAS, although women have made significant gains in the struggle for equality in most fields, more action is necessary to fully eradicate discrimination based on sex and gender; and]

WHEREAS, in 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention"), which is attached hereto as Exhibit A]; and

WHEREAS, in 1981, the Convention entered into force as an international treaty, and it is the only human-rights treaty focused on women's rights; and

WHEREAS, out of the 194 nations in the world, the United States of America, Sudan, South Sudan, Somalia, Iran, Palau, and Tonga are the seven nations that have not ratified the Convention; and

WHEREAS, in nations that have ratified the Convention, women have partnered with their governments to improve the status of women and girls by changing laws and policies to provide safer environments and opportunities for women, girls, and their families; and

WHEREAS, state, county, and other forms of municipal governments have an appropriate and legitimate role in affirming the importance of international laws as universal norms and guides for public policy in communities; and

[WHEREAS, the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign seeks to protect the rights of women and girls by passing legislation that establishes the principles of the Convention in cities and towns across the United States; and]

[WHEREAS, the adoption of the Convention as local law has proven effective in addressing the barriers that reduce the quality of life and equity of opportunity for women and girls; and]

[WHEREAS, the State of Hawai'i, the City and County of Honolulu, and the County of Hawai'i have become the most recent government entities to join the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign; now, therefore,]

WHEREAS, the Council of the County of Kaua'i recognizes that women have made gains in the struggle for equality in many fields, but that more needs to be accomplished to fully eradicate discrimination based on gender and its connection and intersectionality between other forms of discrimination to achieve one of the most basic human rights: equality; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it [hereby joins the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign.] is committed to using, and urges the County of Kaua'i to use, the principles of the Convention on the Elimination of All Forms of Discrimination Against Women as a policy guide to improve safety and promote equal access to and equity in health care, employment, economic development, housing, and educational opportunities for women and girls, and to continue to address the ongoing and critical problems of violence against women and girls.

[BE IT FURTHER RESOLVED, that the County of Kaua'i is urged to affirm the tenets and principles of the Convention on the Elimination of All Forms of Discrimination against Women, as stated in the attached Exhibit A.]

BE IT FURTHER RESOLVED, that the Council is committed to ensuring, and urges the County of Kaua'i to ensure, women and girls enjoy all the rights and privileges and remedies that are bestowed on all people in the United States, no matter race, national origin, gender, sexual orientation or religious belief, and with a purpose to claim worldwide that the County is one within which women and girls can thrive.

BE IT FURTHER RESOLVED, that the Council is committed to ensuring that the County of Kaua'i will not tolerate discrimination against women and girls or violence perpetrated against them in any form, by any hand.

BE IT FURTHER RESOLVED, that this Resolution is another step in the Council's commitment to eliminating all forms of violence against women and girls, their health and safety, and their equal academic, economic, and business opportunities.

BE IT FURTHER RESOLVED, that this Resolution shall be interpreted as supporting the eradication of all forms of discrimination against women and girls and promoting gender equality through the County.

BE IT FURTHER RESOLVED, that the County of Kaua'i is urged to work with the Hawai'i State Commission on the Status of Women and the County of Kaua'i Committee on the Status of Women to ensure gender equality in the County of Kaua'i.

BE IT FINALLY RESOLVED, that the County Clerk shall transmit a copy of this Resolution to the Honorable Mayor Bernard P. Carvalho, Jr., the Hawai'i State Commission on the Status of Women, the County of Kaua'i Committee on the Status of Women, and all County departments and agencies."

(Material to be deleted is bracketed. Material to be added is underscored. "Exhibit A" is deleted in its entirety.)

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(April 12, 2017)

FLOOR AMENDMENT

Resolution No. 2017-24, Relating to Supporting the Principles of the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women

Introduced by: JOANN A. YUKIMURA

Amend Resolution No. 2017-24 in its entirety as follows:

WHEREAS, although women have made significant gains in the struggle for equality in most fields, more action is necessary to fully eradicate discrimination based on sex and gender; and

WHEREAS, in 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women ("the Convention")[, which is attached hereto as Exhibit A]; and

WHEREAS, in 1981, the Convention entered into force as an international treaty, and it is the only human-rights treaty focused on women's rights; and

WHEREAS, out of the 194 nations in the world, the United States of America, Sudan, South Sudan, Somalia, Iran, Palau, and Tonga are the seven nations that have not ratified the Convention; and

WHEREAS, in nations that have ratified the Convention, women have partnered with their governments to improve the status of women and girls by changing laws and policies to provide safer environments and opportunities for women, girls, and their families; and

WHEREAS, state, county, and other forms of municipal governments have an appropriate and legitimate role in affirming the importance of international laws as universal norms and guides for public policy in communities; and

WHEREAS, the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign seeks to protect the rights of women and girls by passing legislation that establishes the principles of the Convention in cities and towns across the United States; and

[WHEREAS, the adoption of the Convention as local law has proven effective in addressing the barriers that reduce the quality of life and equity of opportunity for women and girls; and]

WHEREAS, the State of Hawai'i, the City and County of Honolulu, and the County of Hawai'i have become the most recent government entities to join the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign; now, therefore,

WHEREAS, the Council of the County of Kaua'i recognizes that women have made gains in the struggle for equality in many fields, but that more needs to be accomplished to fully eradicate discrimination based on gender and its connection and intersectionality between other forms of discrimination to achieve one of the most basic human rights: equality; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that [it hereby joins the "Cities for the Convention on the Elimination of All Forms of Discrimination Against Women" campaign.] the County of Kaua'i use and enforce the principles of the Convention on the Elimination of All Forms of Discrimination Against Women as a policy guide to improve safety and promote equal access to and equity in health care, employment, economic development, housing, and educational opportunities for women and girls, and to continue to address the ongoing and critical problems of violence against women and girls.

[BE IT FURTHER RESOLVED, that the County of Kaua'i is urged to affirm the tenets and principles of the Convention on the Elimination of All Forms of Discrimination against Women, as stated in the attached Exhibit A.]

BE IT FURTHER RESOLVED, that the County of Kaua'i ensure women and girls enjoy all the rights and privileges and remedies that are bestowed on all people in the United States, no matter race, national origin, gender, sexual orientation or religious belief, and with a purpose to claim worldwide that the County is one within which women and girls can thrive.

BE IT FURTHER RESOLVED, that the County of Kaua'i will not tolerate discrimination against women and girls or violence perpetrated against them in any form, by any hand.

BE IT FURTHER RESOLVED, that this Resolution is another step in the Council's commitment to eliminating all forms of violence against women and girls, their health and safety, and their equal academic, economic, and business opportunities.

BE IT FURTHER RESOLVED, that this Resolution shall be interpreted as supporting the eradication of all forms of discrimination against women and girls and promoting gender equality through the County.

BE IT FURTHER RESOLVED, that the County of Kaua'i is urged to work with the Hawai'i State Commission on the Status of Women and the County of Kaua'i Committee on the Status of Women to ensure gender equality in the County of Kaua'i.

BE IT FINALLY RESOLVED, that the County Clerk shall transmit a copy of this Resolution to the Honorable Mayor Bernard P. Carvalho, Jr., the Hawai'i State Commission on the Status of Women, the County of Kaua'i Committee on the Status of Women, and all County departments and agencies."

(Material to be deleted is bracketed. Material to be added is underscored. "Exhibit A" is deleted in its entirety.)

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